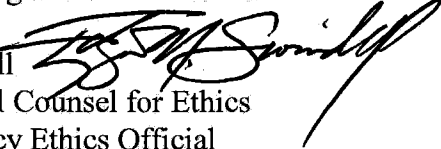




May 6, 2008

MEMORANDUM

TO: Heads of Operating and Staff Divisions

FROM: Edgar M. Swindell   
Associate General Counsel for Ethics  
Designated Agency Ethics Official

SUBJECT: Federal Agency Employee Contacts with Presidential Campaigns

The Hatch Act prohibits the use of official authority or influence for the purpose of interfering with or affecting the result of an election. The law also forbids political activities during work hours or on federal property, subject to narrow exceptions for Senate confirmed Presidential appointees. To avoid circumstances that risk a violation of these prohibitions, the White House has announced a strict policy concerning contacts between federal agency employees acting in their official capacities and representatives of the authorized presidential campaign committees.

Attached is a copy of the memorandum from the Counsel to the President which describes in detail the parameters of the executive branch policy. The provisions applicable to this Department can be described more succinctly. Without the prior written approval of the Counsel to the President, the Department and its employees may not initiate an official contact to, or respond to an inquiry by, the authorized presidential campaign committees of Senators McCain, Obama, or Clinton if the contact or inquiry involves a particular investigative, intelligence, adjudicative, tax, rulemaking, enforcement, or procurement matter.

Other types of contacts or responses may occur as permitted by law or agency policy: (1) if the contact or response is necessary for security or legal compliance, facilitates proper coordination of official and campaign activities for purposes of scheduling, advance, or logistics; or involves the dissemination of publicly available information; or (2) when certain White House senior staff approve the contact. Contacts from a presidential candidate's Senate office that relate to official business are not covered by this policy and should be handled in the same manner as any other request from a Senate office.

Please ensure that your employees are informed of this policy. If you have any questions concerning this policy or the rules governing political activity generally, contact my office at (202) 690-7258.

Attachment